

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

12/7/04 25

EASTERN CONTRACTORS, INC.,)
Plaintiff,)
v.)
CITY OF WORCESTER and THOMAS)
R. HOOVER, City Manager, and HEERY)
INTERNATIONAL, INC. and THOMAS E.)
ELLIS, JR.)
Defendants.)
)

**MOTION OF THE DEFENDANTS, HEERY INTERNATIONAL, INC. AND
THOMAS E. ELLIS, JR., TO FILE REPLY TO PLAINTIFF'S
OPPOSITION TO SUMMARY JUDGMENT**

The defendants, Heery International, Inc. and Thomas E. Ellis, Jr. (collectively "Heery"), move for leave to file a reply to the opposition of Eastern Contractors, Inc. ("Eastern") to Heery's motion for summary judgment. As grounds for this motion, Heery states that its reply brief addresses several new issues raised in Eastern's opposition that Heery did not have the opportunity to address in its summary judgment papers, and it will assist the Court in rendering a fair and just decision on Heery's motion for summary judgment. Eastern's attorney has indicated that he has no opposition to the filing of the reply brief. A copy of the reply brief has been filed along with this motion.

WHEREFORE, Heery requests that this Court GRANT its motion to file a reply brief.

RULE 7.1(A)(2) CERTIFICATION

Counsel for Heery hereby certifies that they have conferred with counsel for Eastern and that counsel for Eastern has indicated that Eastern has no objection to the filing of Heery's reply brief.

HEERY INTERNATIONAL, INC. and
THOMAS A. ELLIS,
By their attorneys,



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Dated: December 7, 2004

CERTIFICATE OF SERVICE

I, Matthew M. O'Leary, hereby certify that on this 7 day of December, 2004, I served a copy of the foregoing on all counsel of record by first class mail, postage prepaid.


Matthew M. O'Leary

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